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**Procedures for Collecting Statistical Data
of Participants in, and Beneficiaries of State Highway Programs**

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Problem Statement

The purpose of this study is to develop procedures for collecting and analyzing statistical data, as required by federal regulations (23 CFR, 200.9(4)). Currently, the South Carolina Department of Transportation (SCDOT) does not have procedures for collecting and analyzing data, as required by Federal regulations. Telephonic and email request for assistance from other State transportation agencies have proven unsuccessful, as they also, have not developed data collection and analysis procedures.

Although the U.S. Department of Transportation, as well as its recipient agencies the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) promulgated the regulations, they have not provided any detailed guidance on data collection and analysis. Thus, there exists no model or best practice on how best to fulfill the requirement. This project was chosen to satisfy SCDOT's requirement and ensure full compliance. This study focuses on only programs and activities funded by the FHWA and FTA.

The lack of a data collection and analysis process is a problem because, programs and/or activities that SCDOT directly administers, as well as those of its sub-recipients, may result in unintentional discrimination, resulting in a violation of the letter and spirit of the Civil Rights Act of 1964, particularly Title VI, which deals with federally assisted programs and activities.

Also, failure to ensure full compliance would result in the almost insurmountable loss of credibility among SCDOT's external customers, a situation that would most certainly be exacerbated by increased complaints to lawmakers or the media.

Moreover, the consequences for noncompliance, should SCDOT fail to fulfill this mandate, may result in losing federal aid. SCDOT's federal-aid program averages approximately \$600 million per year (2008). If either FHWA or FTA finds the agency in

noncompliance, which cannot be corrected by informal means, they may effect compliance by suspending or terminating or refusing to grant or continue federal financial assistance (49 CFR, 21.13(a)).

SCDOT is responsible for the systematic planning, design, construction, maintenance, and operation of the state highway system and coordinating mass transit services. The agency operates and maintains 41,430 miles of roads and bridges, which ranks as one of the largest state-owned highway systems in the nation according to FHWA..

Almost four and a half decades ago, President Lyndon B. Johnson signed the Civil Rights Act of 1964, the most sweeping civil rights legislation in the history of the United States. As a result of its passage, the Federal government became directly involved in enforcing civil rights in such areas as public accommodations, public facilities, voting, education, employment, and federally assisted programs.

Title VI of the Civil Rights Act of 1964 holds that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. As a recipient of Federal financial assistance, SCDOT is responsible for ensuring compliance with Title VI of the Civil Rights Act of 1964, as amended, as well as related statutes. Compliance is also required by the agency's sub-recipients.

SCDOT is required to collect and analyze statistical data, such as race, color, religion, sex, and national origin of participants in and beneficiaries of State highway programs. Beneficiaries include relocatees, impacted citizens, and affected communities.

Data collection

Goals of Data Collection

Aside from the obvious mandate, collecting statistical data is practical. From good statistics come intelligent inferences. According to Davis (2001), "Proper data collection, utilizing credible benchmarks, not only provides an organizational "snap shot" – a look at the organization at a specific point in time – it assists administrators in identifying institutional and systemic problems". Accurate, current, and relevant data enhance decision-making processes, strengthens the SCDOT's ability to fulfill its mission and goals.

Davis also suggests that data collection is symbolic, "a gesture of openness to the community and a commitment to equality. It translates to "we have nothing to hide" and represents an agency's willingness to take an introspective look to prevent disparate treatment".

Data collection for this project was also intended to enlighten subrecipients. SCDOT receives federal financial assistance and serves as a "pass through" agency, distributing assistance to cities, towns, colleges, universities, planning organizations, and other entities. Apart from requests for data from SCDOT, many of these agencies would be unaware of the totality of their responsibilities and may unintentionally be guilty of discrimination.

Finally, it demonstrates a true commitment by SCDOT to address needs and concerns. Government agencies at all levels struggle with negative public opinion and rising public distrust. Collecting and properly analyzing statistical data is a critical first step in uncovering potential problems and developing solutions to end discrimination or prevent further discrimination.

Data Collection Methods

According to Leedy and Ormrod (2005), the research methodology is the general approach in carrying out the research. They also differentiate between research tools and research methodology, defining a research tool as “a specific mechanism or strategy the research uses to collect, manipulate, or interpret data.” The methodology is the general approach taken to carry out the project. The approach (methodology) should dictate the particular tools selected by the researcher.

This project uses the action research the approach. Action research was selected because the purpose of the research is finding a solution to a local problem in a local agency (Leedy and Ormrod, 2005). While it is expected that the methodology, findings and recommendations of this project will have broader application, the research findings are intended for use by the South Carolina Department of Transportation and its subrecipients.

This action research project utilized a number of research tools to obtain data:

- Title VI quarterly reports (Appendix B),
- Title VI annual compliance reviews (Appendix C),
- Contractor, service provider, and vendor applications, contracts, and agreements ,
- Title VI Compliance Assessment for Sub-recipients (Appendix D)

Title VI quarterly reports

SCDOT's approach to implement Title VI requirements is multi-disciplinary. Major program areas and each district appoint a Title VI designee who is responsible for ensuring collecting and analyzing requested information, providing technical assistance to their program area, assisting in investigating external complaints of discrimination, and assisting in training. The areas include the seven (7) districts and the following offices:

1. Right of Way
2. Construction
3. Maintenance
4. Materials and Research
5. Human Resources
6. Traffic Engineering
7. Mass Transit

Designees are advised of quarterly reporting requirement in December. Reports are program-specific and submitted to the Title VI Program Coordinator no later than the 15th of the month following the end of the quarter of each calendar year.

The quarterly report serves as a means of tracking relevant Title VI data to identify trends and practices. It also a means of identifying discriminatory practices and taking appropriate action in a timely manner. Title VI Program Coordinator analyzes data, requests clarification if necessary, and compiles the data, and submits a summary to the Director of Business Development and Special Programs for review and comment. The information is retained in accordance with the agency's retention schedule.

Title VI annual compliance reviews

SCDOT is required to conduct annual reviews of all pertinent program areas to determine the effectiveness of the program area activities at all levels (23 CFR, 200.9(a) (4)). The Title VI Coordinator advises designees electronically and provides each with a "hard copy" of the review schedule.

The review process typically starts with a review of quarterly reports. After reviewing the quarterly reports the Title VI Program Coordinator provides each program area/ district Title VI designee a review questionnaire that includes questions to be asked and documents to be

reviewed. The designees complete the questionnaire and return it, along with the requested documentation, to the Coordinator.

After examining the responses to the questions and the documentation provided, the Coordinator conducts a site visit to follow up on potential issues, inspect facilities for accessibility, and review additional related documents and materials.

The site visit begins with an entrance conference and ends with an exit conference with the designee. The Coordinator then develops and submits a draft report to the designees for comments. The report details findings and recommendations. After obtaining the designees' comments on the draft report, the Coordinator submits a final report. Finally, the designees submit documentation of corrective actions, if applicable, to the Coordinator. After the Coordinator is satisfied that all findings are addressed, he closes the review.

Title VI Compliance Assessment for Sub-recipients

As a condition to receiving Federal financial assistance, SCDOT agrees to comply with Title VI of the Civil Rights Act of 1964, as amended, and other applicable regulations. The process for ensuring nondiscrimination includes reviews and monitoring of sub-recipients cities, counties, etc. (23 CFR, 200.9(b)(7)) and FTA Circular 4702.1A, Chapter VI). Therefore, SCDOT requested that sub-recipients complete the assessment form, the results of which will be used to assist in identifying sub-recipients with whom to conduct compliance reviews.

Statistical information from the South Carolina Commission on Minority Affairs

The South Carolina Commission for Minority Affairs (Commission) was established in 1993. The agency serves as a single point of contact for information on South Carolina's minority population. Its mission is:

- To research the causes and effects of minority socioeconomic deprivation in the State;

- To establish a database of statistical information for distribution to members of the General Assembly and other entities capable of effecting change;
- To be the State's clearinghouse for minority statistical information and to publish a Statewide statistical abstract on minority affairs;
- To liaison with community leaders, businesses, and elected officials to build the infrastructure needed to foster economic prosperity among the minority population;
- To serve as the catalyst for identifying and linking funding and programs from both the public and private sectors;
- To solicit funding for and coordinate programs necessary to address inequities confronting minorities in the State; and
- To provide assistance and information on Voting Rights Act submissions, as well as other related areas.

(A) Statistical Profile by Counties

The agency's statistical profile (2004) enlightens interested persons on factors that impact and impede minority economic growth and development. These include status of poverty, income, single parent families, education attainment, child birth rates, drug use, criminal justice information, and unemployment.

(B) Latino/Hispanic Ad Hoc Committee

In 2003 the Hispanic/Latino Ad Hoc committee was formed to identify barriers that hinder this segment from obtaining services and having their needs met. Areas identified by the group include: education, health, public safety, human rights, and immigration, transportation, and fraud.

(C) African American Statewide Strategic Plan

The Commission developed a strategic plan for South Carolina's African American population. Aimed at overcoming the effects of deprivation, poverty, and discrimination, the

plan's values included rebuilding strong families, education, community/economic development, Jobs (unemployment and underemployment), income and wealth creation, business ventures, health status, and criminal justice.

2000 U.S. Census Data

The U.S. Census Bureau became a permanent agency in 1902. Part of the U.S. Department of Commerce, the Bureau's mission is to serve "as the leading source of quality data about the nation's people and economy. We honor privacy, protect confidentiality, share our expertise globally, and conduct our work openly. We are guided on this mission by our strong and capable workforce, our readiness to innovate, and our abiding commitment to our customers" (2008).

The Bureau's data is helpful in defining minority groups, determining minority and low-income populations, and identifying limited English proficient populations.

SCDOT sub-recipients Title VI assessment surveys

As a condition to receiving Federal financial assistance, SCDOT has agreed to comply with Title VI of the Civil Rights Act of 1964, as amended, and other applicable regulations. Compliance with these regulations requires SCDOT to develop a process for ensuring nondiscrimination among its sub-recipients.

The process for ensuring nondiscrimination includes reviews and monitoring of sub-recipients cities, counties, etc. (23 CFR, 200.9(b) (7) and FTA Circular 4702.1A, Chapter VI). Therefore, SCDOT requested that all sub-recipients complete the an assessment form and return it within thirty (30) days. The completed form will be used to assist in identifying sub-recipients with whom to conduct compliance reviews.

Data analysis

This section identifies key findings, patterns, and trends in the data gathered. It also identifies potential causes or contributing factors to the problem, and seeks to ensure that plans for implementation are based on data analysis.

Factors contributing to the problem

As stated in the problem statement portion of this project, the major factor contributing to the problem is a lack of specific guidance from FHWA. Therefore, each recipient of FHWA financial assistance is left to unilaterally determine the type, amount, and sources of data required to satisfy requirements of the regulations.

Major Findings

Title VI Quarterly Reports

The Title VI Quarterly reports provide valuable feedback on how SCDOT's major program areas and districts are doing relative to equity of service provided to the public. The reports focus generally on contact with Limited English Proficient (LEP) persons, defined as individuals whose primary language is not English and have difficulty understanding the English language. As a result of contact with LEP persons, SCDOT had three requests for language assistance.

1. Title VI Complaints

The reports also request general information regarding receipt of external complaints of discrimination. During Federal Fiscal year (FFY) 2008 SCDOT received one complaint of discrimination. The complainant is a resident of Mount Pleasant, SC and filed a complaint of race-based discrimination against the Town. After investigating the complaint, SCDOT found it to be without merit. FHWA Office of Civil Rights upheld the decision.

2. DBE Contracting

Another area of emphasis involves SCDOT contracting opportunities offered to Disadvantaged Business Enterprise (DBE) firms. A DBE is defined by regulations as a for-profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it. (49 C.F.R. § 26.5).

In order to comply with the federal DBE program, SCDOT promulgated regulations to implement the state and federal DBE programs. Consequently, SCDOT established a 10.7% DBE goal for new contracts. This means that a minimum of 10.7% of SCDOT's federal highway contracting funds must be expended with DBE firms.

The methodology used in establishing the goal is available to the public and can be found at http://www.scdot.org/doing/pdfs/dbe_methodology_09.pdf. It should be noted that SCDOT does not establish DBE goals for appraiser contracts. Table 4-1 shows SCDOT contract awards during FFY 2008.

3. Public Involvement

Public involvement is a key source of input and provides critical information in helping planners and decision-makers shape transportation policy. SCDOT's Planning office assists counties and planning organization in obtaining public input at information meetings and hearings. Meeting times and locations are advertised in local media and, in some cases, community services entities, such as churches, schools, and shopping centers. Interested persons

are provided with contact information to obtain special accommodations if needed. Table 4-2 reflects the results of hearings and meetings conducted in FFY 2008.

Title VI annual compliance reviews

Title VI compliance reviews are conducted annually with assistance from Title VI designees. This information is also relevant to contracts and agreements. Reviews for 2008 indicate the following:

- All SCDOT contracts, as well as subcontracts and material supply agreements do not contain required Title VI assurances. Consequently, SCDOT cannot determine if sub-recipients are administering programs and activities in a non-discriminatory manner.
- SCDOT does not have written procedures for establishing individual contract goals. While the Department has procedures for establishing its overall goal, there is no written process for establishing goals on individual construction projects.
- Approximately 50% of Title VI designees need or desire Civil Rights training.

Title VI Compliance Assessment for Sub-recipients

An instrument of this type has never been distributed before. Understandably, most sub-recipients had questions regarding the document. Of the 478 assessment surveys distributed, 103 sub-recipients responded (21.5%). 14 respondents indicated that they no longer received federal financial assistance through SCDOT. Of the remaining 89 respondents:

- All had a person designated as the Title VI Coordinator with easy access to the top level official.
- All described their service population using 2000 Census data only (no demographic maps or profiles).
- 78% did not have a plan for providing service to LEP persons.
- 50% had diverse decision-making boards and/or commissions.
- 30% had plans or methods to obtain input from the public.
- 37.5% had procedures for addressing Title VI complaints.
- None reported any external complaints of discrimination.
- One reported an internal complaint of discrimination.
- 82% had no plan or procedures for increasing DBE participation in contracting.

Statistical information from the Commission on Minority Affairs

I. Statistical Profile by Counties

This reports analyzed data from three areas of the county profile report:

1. family poverty-a classification based on income of families using a poverty index,
2. child poverty-the percentage of children 18 and under whose families' income falls below the poverty threshold ,and
3. income per capita-the average income per person, calculated by adding the total personal income of every man, woman, and child in a particular group and dividing by the number of persons in that group, including those without income.

The data indicates that, within the State of South Carolina:

- 28% of minority families live in poverty, compared to 5.9% of white families.
- 32% of minority children live in poverty, compared to 9.5% of white children.
- The average (median) income for minorities is \$11,776.00, compared to \$22,000.00 for whites.
- Allendale County has the highest poverty level: minority-46%, white-9.4%, minority child-53.4%, and white child-22%.
- Allendale County also has the lowest per capita income for minorities-\$8,449.00.
- Oconee County has the highest per capita income for minorities-\$14,040.00, compared to \$19,515.00 for whites.
- Richland County has the lowest minority and white family poverty level-19.7% and 3.3%, respectively.
- Beaufort County has the highest per capita income for whites-\$30,784.00, compared to \$11,895.00 for minorities.

II. African American Statewide Strategic Plan

- South Carolina ranks 41st in per capita income.
- Of South Carolina's 20 predominantly African American counties (African American population of 40% or higher), the S.C. Department of Commerce considers all of them to be under developed, least developed, or distressed.
- Counties with the highest unemployment rates are Williamsburg, Marion, McCormick, and Orangeburg.

2000 U.S. Census

- 22.2 % (810,857) of South Carolina's population over 5 years of age has a disability.
- 5.2 % (196,429) of the state's population over 5 years of age speaks a language other than English at home.
- 12.1% (485,333) of the state's population is age 65 or older.
- The State of South Carolina has 808 businesses engaged in heavy and civil engineering construction. Firms employ approximately 27,500 individuals and generate approximately \$3.3 million.
- African Americans make up 29.9% of South Carolina's population.
- Hispanics/Latinos make up 2.4 % of South Carolina's population.

Potential Solutions

The goal of Title VI is nondiscrimination in federally assisted programs and activities. Information regarding recipients' processes and procedures, resources, and delivery of service is vital to ensure accomplishment of the goal.

Data collected for this project indicates a lack of knowledge on the part of some SCDOT decision-makers, as well as most sub-recipients. It is also reasonable to conclude that the public is also ignorant of Title VI and its implication. Therefore, the most plausible solution is to provide training to SCDOT employees and sub-recipients on the law's intent as well as their responsibilities. SCDOT could also make the public aware of Title VI policy information and complaint processing procedures available on the Department's website.

SCDOT may also make periodic public service announcements (PSAs) that address its nondiscrimination policy and provide contact for obtaining additional information or filing a complaint. PSAs would be submitted, not only to large, non-minority media, but to minority newspapers and radio stations.

Finally, SCDOT should take the lead in forming a Civil Rights advisory committee comprised of representatives FHWA and FTA, and state agencies, such as the Commission for Minority Affairs, Emergency Management Division, Governor's Office of Small and Minority Business Assistance, and the Department of Disabilities and Special Needs. Religious and civic organizations, such as the National Association for the Advance of Colored People (NAACP) and Urban League should also attend.

Implementation Plan

Action Steps

Data analysis indicates a general lack of knowledge of Title VI and other Civil Rights laws and regulations. The following goals are established to address this problem:

1. The Title VI Coordinator will submit draft procedures to FHWA and FTA for approval.
2. In consultation with FHWA and FTA Civil Rights Officers, the Title VI Coordinator will develop and conduct Title VI training to be presented to sub-recipients. Training will also be presented to SCDOT Title VI designees.
3. The Title VI Coordinator, with the assistance of designees and in accordance with established procedures, will conduct compliance reviews of sub-recipients. Title VI Coordinator will continue conducting annual reviews of program areas and districts.
4. The Title VI Coordinator will provide technical assistance, upon request or on an as-needed basis, as identified by compliance review findings.

Timeframes and Costs

The Title VI Coordinator will submit draft procedures for review and comment to the Director of Business Development and Special Programs no later than February 15, 2009. They will then be submitted to FHWA and FTA for approval no later than March 1, 2009. There is no cost associated with this action.

Training for sub-recipients will be conducted in Columbia on March 18, 2009. Attendance will be limited to 100 individuals. The FHWA Civil Rights Officer and SCDOT's Title VI Coordinator will serve as facilitators. Because the training session will be held at the Colonial Center, SCDOT's cost will be limited to that of reproducing training material-approximately \$500.00. Subsequent training will be offered at a later date, or may be accomplished at a sub-recipient's request.

Training for designees will be conducted on or around March 31, 2009. Initially scheduled for mid-February, the training was postponed pending finalization and approval of SCDOT's Limited English Proficiency (LEP) plan. The training will be held at SCDOT headquarters and costs will be limited to those associated with reproducing training material for 25 attendees-approximately \$50.00.

Potential Obstacles

SCDOT is committed to ensuring that all sub-recipients receive training. The primary obstacle associated with accomplishing this goal is the cost in time and money to sub-recipients. This is particularly challenging for smaller agencies with limited capital and human resources. SCDOT will seek to overcome this obstacle by:

1. Making sub-recipients aware of relevant information found on SCDOT's website;
2. Reproducing disseminating training material on CD-Rom, rather than "hard copy", thereby reducing cost;
3. Providing sub-recipients and other stakeholders copies of SCDOT's Title VI Program brochure; and
4. Making training more geographically available. That is, holding training in areas closer to sub-recipients, thereby reducing "down time" due to travel.

Potential Resources

Aside from the Title VI Coordinator, the FHWA Civil Rights Officer and FTA Regional Civil Rights Officer are available resources. Additional resources include the Office of Business Development and Special Programs staff, to assist with the administrative aspects of training; the Information Technology (IT) staff, to provide technical assistance with placing information on the website; and Communications Office, to assist with graphics and language on brochures, posters, etc.

Communication with Key Stakeholders

Sub-recipients, FHWA, FTA, and all SCDOT employees, particularly Title VI designees, have a stake in the outcome of this project. FHWA and FTA have final approval authority of resulting procedures. The Title VI policy statement and complaint processing procedures will be

promoted via the website. Title VI brochures have been distributed to District offices and placed in the kiosk at SCDOT headquarters.

Integration into Standard Operating Procedure

Procedures that result from this project will be integrated into SCDOT's Title VI Program Manual, which describes the agency's Title VI Compliance Program and serves as its response to the federal nondiscrimination regulations issued by the United States Department of Transportation (DOT). It also reflects the nondiscriminatory policies, practices, and procedures that the SCDOT and its recipient agencies use when administering federal-aid programs that require execution of Title VI Assurances

Evaluation Method

Evaluation Plan

The goal of this project is to develop procedures for collecting statistical data. Therefore, the initiatives offered in this project will be evaluated primarily by acceptance and approval by FHWA and FTA of the data collection procedures. Further success will be indicated by the process being identified as a Best Practice.

Title VI quarterly reports, program area reviews, and subsequent assessments will also be used as evaluation tools. Responses will re-measure the effectiveness of sub-recipients and SCDOT's efforts in administering programs and activities in a nondiscriminatory manner. Program area reviews will be conducted annually, in accordance with FHWA regulations. Assessments will be distributed triennially, to coincide with FTA's requirement for renewal of sub-recipients' Title VI Programs.

Monitoring and Measuring Results

Data from quarterly reports, complaints, comments from sub-recipients, etc., will be used to monitor and measure results. I will also use results from pre- and post-training tests. Utilizing the same questions for pre- and post-testing will allow for comparison of results and measuring percentage change.

Summary and Recommendations

SCDOT is required to collect and analyze statistical data, such as race, color, religion, sex, and national origin of participants in and beneficiaries of State highway programs. This is true for programs SCDOT administers directly, as well as those of its sub-recipients. In order to ensure nondiscrimination, the agency must gain an understanding of programs and activities and the ultimate beneficiary.

To that end, it must collect data that demonstrates that programs are administered equitably or, in some cases, uncovers obstacles that hinder non-discriminatory treatment. This effort is on-going, as is efforts to eliminate any discrimination uncovered.

References

Davis, Ronald R. Racial Profiling: "What Does the Data Mean?" A Practitioner's Guide to Understanding Data Collection & Analysis. (2001). National Organization of Black Law Enforcement Executives (NOBLE). <http://www.aele.org/data.html>.

Federal Highway Administration, 23 Code of Federal Regulations: Highways. Revised April 1, 2007. Office of the Federal Register National Archives and Records Administration. Washington, DC.

Federal Highway Administration, Office of Civil Rights. "Preventing Discrimination in the Federal-Aid Program: A Systematic, Interdisciplinary Approach (Date unknown).

Federal Transit Administration, Regional
[http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_\(FINAL\)_3.doc](http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_(FINAL)_3.doc).

Leedy, Paul D and Ormrod, Jeanne E. Practical Research: Planning and Design, pp 18, 108). (2005). Upper Saddle, NJ. Pearson-Merrill-Prentice Hall.

Appendices

Appendix A

Operational Definition of Terms

Definitions

The following definitions apply for the purpose of this plan:

affirmative action: a good-faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

African American: African Americans, including people whose ancestors were from any of the Black racial groups of Africa.

applicant: an eligible public entity or organization that submits an application for financial assistance under a program administered on behalf of the State.

Asian-Indian Americans: people whose origins are from India, Pakistan, and Bangladesh.

Asian-Pacific Americans: people whose ancestors were from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, and the Northern Marianas.

beneficiary: any person or group of people (other than states) entitled to receive benefits, directly or indirectly, from any federally assisted program (e.g., relocatees, impacted citizens, communities, etc.).

Black, not of Hispanic origin: (see *African American* above)

citizen participation: an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

compliance: a satisfactory condition wherein an applicant, recipient, or subrecipient has effectively implemented all of the Title VI requirements or can demonstrate that every good-faith effort toward achieving this end has been made.

contract: a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and obligating the buyer to pay for them. Throughout this document, a lease is considered a contract.

contractor: any person, corporation, partnership, organization, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this plan, including lessees.

Council of Governments or COGs: associations of governmental organizations, consisting of the elected (or properly appointed) officials of member city and county governments whose function is to provide planning for and services to the member governments. There are ten such councils of government serving all forty-six counties in South Carolina.

deficiency status: the period during which the recipient state has been notified of deficiencies and has not voluntarily complied with Title VI Program guidelines but has not been declared in noncompliance by the Secretary of Transportation.

Department or SCDOT: the South Carolina Department of Transportation.

Division Directors: the officers of the South Carolina Department of Transportation who are responsible for divisions and who appoint Title VI designees within their divisions. This title does not include District Engineering Administrators.

designee: individuals assigned to work with the department's Title VI Coordinator regarding designated program areas.

Director of Business Development & Special Programs: Refers to the responsible SCDOT official in matters relating to Title VI. The Director of Business Development & Special Programs reports to the Division Director of Finance & Administration, and assists in carrying out the Title VI responsibilities of the Department.

disadvantaged business or disadvantaged business enterprise (DBE): a small business concern at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

discrimination: involves any act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the South Carolina Department of Transportation.

division: one of the administrative subdivisions of an office of the South Carolina Department of Transportation. The term *district* should be considered equivalent to *division* as an administrative subdivision of an office of the SCDOT.

federal assistance: Includes

- grants and loans of federal funds;
- the grant or donation of federal property and interests in property;
- the detail of federal personnel;
- the sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or with nominal consideration, or with consideration which is reduced for the purpose

of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

- any federal agreement, arrangement, or other contract that has, as one of its purposes, the provision of assistance.

Federal Highway Administration or FHWA: the administrative subdivision of the United States Department of Transportation with authority for the administration of certain federal financial assistance involving highway construction and related activities.

HCR: Federal Highway Administration, Headquarters, Office of Civil Rights.

Hispanic or Hispanic Americans: people of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.

Limited English Proficient (LEP) Persons: Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English

Metropolitan Planning Organization or MPO: the forum for cooperative transportation decision making for a metropolitan planning area composed of principal elected officials of general local government. A metropolitan planning area is the geographic area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and Section 8 of the Federal Transit Act must be carried out. MPO is the organization designated by the governor and local elected officials responsible, together with the State, for transportation planning in an urbanized area.

minority or minority group people: includes African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans (see definitions of each of these classifications elsewhere in this glossary of terms).

Native Americans: American Indians, Eskimos, Aleuts, or native Hawaiians.

noncompliance: the condition wherein a recipient has failed to meet prescribed requirements and has shown a lack of good-faith effort in implementing all of the Title VI requirements.

nonminority or nonminority group people: white people, not of Hispanic origin, of European, North African, or Middle Eastern descent.

plan: SCDOT's description of its Title VI Program developed to comply with Title VI of the Civil Rights Act of 1964.

primary recipient: the SCDOT or any department, division, or agency authorized to request federal assistance on behalf of subrecipients and to distribute financial assistance to subrecipients' contracts for the purpose of carrying out a program.

program: includes any highway, project, or activity that provides services, financial aid, or other benefits to individuals, including education or training, work opportunities, health,

welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

program area officials: the officials who are responsible for carrying out technical program responsibilities.

recipient: South Carolina, or any political subdivision or instrumentality thereof; or any public or private agency, institution, or organization, or other entity; or any individual in South Carolina to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term **recipient** does not include any ultimate beneficiary under any such program. Examples of recipients include MPOs, COGs, towns, cities, counties, school districts, or any subrecipient.

Secretary: the Secretary of Transportation or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases.

Secretary of Transportation: the chief administrative officer of the South Carolina Department of Transportation.

South Carolina Department of Transportation or SCDOT: the department, commission, board, or official of South Carolina charged by its laws with the responsibility for highway construction. The terms *State*, *Department*, and *departmental* should be considered equivalent to South Carolina Department of Transportation or SCDOT when the context so implies.

STIP or Statewide Transportation Improvement Program: a prioritized program of transportation projects to be implemented statewide in appropriate stages over several years. This program is to be consistent with the statewide long-range plan and the metropolitan transportation improvement programs (TIP). This document is prepared by the State.

STP or Statewide Transportation Plan: a long-range transportation plan for all areas of the State that considers all modes of transportation. It must cover a period of at least twenty years.

TIP or Transportation Improvement Programs: a prioritized program of transportation projects to be implemented in appropriate stages over several years. This program is required as a condition for a locality to receive federal transit and highway grants. The MPO and the State prepare the document.

Title VI Coordinator: the person responsible for handling the department's Title VI activities under the direction of the Director of Business Development & Special Programs.

Title VI Program: the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase "Title VI requirements" also refers to the civil rights provisions of other federal statutes to the extent that they prohibit discrimination on

the grounds of race, color, sex, age, disability, or national origin in programs receiving federal financial assistance of the type subject to Title VI itself.

White, not of Hispanic origin: Caucasian (see *nonminority* above).

Appendix B

Title VI Quarterly Reports

Title VI Quarterly Report

Construction

Quarter _____

I. General

Title VI Complaints received and nature of complaint(s) _____

LEP

Describe contact(s) with limited English Proficient (LEP) persons (i.e., discussed relocation assistance with Hispanic person, provided appraisal information to Chinese-speaking property owner) _____

I. Contract Administration

Pre-qualified prime contractor requests received _____ approved _____ denied _____

Indicate race and sex of contractor

Number of contractors defaulting on federal-aid contracts _____

Number of projects:

Let _____ Total dollar amount _____ Goaled _____ Goal dollar amount _____

File Number	Project Amount	DBE Goal Assigned	DBE Goal Committed
-------------	----------------	-------------------	--------------------

Number of projects:

Awarded _____ Total dollar amount _____

File Number	Project Amount	DBE Goal Assigned	DBE Goal Achieved
-------------	----------------	-------------------	-------------------

II. Construction project data

Number of requests for DBE sub-contractor replacement received (identify by project number, prime contractor, DBE sub-contractor, and reason for request) _____

Number of requests for DBE sub-contractor replacement denied _____ approved _____
(provide date of approval and DBE concurrence)

Number of requests for DBE sub-contractor replacement denied (provide date of denial _____

Number of "Good Faith Effort" requests received (identify by project number and prime
contractor _____

Number of "Good Faith Effort" requests approved _____ Number of requests denied _____

Describe issues/concerns related to DBEs _____

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

Human Resources

Quarter____

Number of SCDOT personnel listed as bilingual____

Name	Program Area/District	Language	remuneration (yes/no)
------	-----------------------	----------	-----------------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Language assistance requests

Number of requests for language assistance	Language	Program Area/District
--	----------	-----------------------

Number of requests accepted	Language	Program Area/District
-----------------------------	----------	-----------------------

Number of Requests Denied	Language	Program Area/District
---------------------------	----------	-----------------------

Reason(s) for Denial_____

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

Pre-construction (Right of Way)

Quarter _____

Title VI Complaints received and nature of complaint(s) _____

LEP

Describe contact(s) with limited English Proficient (LEP) persons (i.e., discussed relocation assistance with Hispanic person, provided appraisal information to Chinese-speaking property owner) _____

Indicate Race and Sex for each of the following:

Total number of resident displaced _____ Total number relocated _____

Total number of businesses displaced _____ Total number relocated _____

Number of appraiser applications received _____ Number of Appraisers certified _____

Number of consulting contracts awarded _____ Total dollar amount _____

Number of Appraisal contracts awarded _____ Total dollar amount _____

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

Planning

Quarter _____

Title VI Complaints received and nature of complaint(s) _____

LEP

Describe contact(s) with limited English Proficient (LEP) persons (i.e., discussed design plan at public meeting with Chinese-speaking proper owner) _____

Total number of studies awarded to consultants _____ Contract Amount _____

Race and sex of consultants _____

Nature of study (i.e., demand modeling, etc.) _____

Reviews of Metropolitan Planning Organizations (MPOs) and/or Councils of Government (COGs. Provide date of review and summary of findings) _____

Environmental

Number of public information meeting/hearings conducted _____ Total attendees _____

Race and gender of attendees

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

Traffic Engineering

Quarter _____

Title VI Complaints received and nature of complaint(s) _____

LEP

Describe contact(s) with limited English Proficient (LEP) persons (i.e., discussed design plan at public meeting with Chinese-speaking proper owner) _____

Number of projects:

Let _____ Total dollar amount _____ Goaled _____ Goal dollar amount _____

File Number	Project Amount	DBE Goal Assigned	DBE Goal Committed

Number of projects:

Awarded _____ Total dollar amount _____

File Number	Project Amount	DBE Goal Assigned	DBE Goal Achieved

Number of consultants used _____ (Indicate race and sex)

- I. A copy of all research study reports is attached.

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

Mass Transit Division

Quarter _____

Title VI Complaints received and nature of complaint(s) _____

LEP

Describe contact(s) with limited English Proficient (LEP) persons (i.e., received request for bus schedule translated into Swahili) _____

Indicate Public or Non-Profit and provide description of program (i.e., Capital funding, Urbanized area Formula grant, etc.)

Number of funding grant requests received _____ Public _____ Non-Profit

Number of funding grant requests approved _____ Public _____ Non-Profit

Number of funding grant requests denied _____ Public _____ Non-Profit _____

Reason(s) for Denial _____

Grant recipients reviewed (include date of review, recipient name, location, total amount of grant, and a summary of findings) _____

Name of Title VI Designee

Reviewer

Signature

Signature

Date

Date

Research and Materials

Quarter _____

Title VI Complaints received and nature of complaint(s) _____

Describe contact(s) with limited English Proficient (LEP) persons _____

Number of planning and research studies approved _____ Number denied _____

Number of planning and research studies awarded (identify by consultant name, race, and sex,
nature of study, and contract amount) _____

Number of research project reviews conducted (identify by project number, title, consultant
name, and date of review. Also include review summary) _____

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

District _____

Quarter _____

I. General

Title VI Complaints received and nature of complaint(s) _____

LEP

Describe contact(s) with limited English Proficient (LEP) persons (i.e., received request for assistance from an Hispanic person, provided information on traffic signal to Chinese-speaking person) _____

Describe any issues/concerns regarding DBEs _____

Number of requests for services received (i.e., request to fill pothole, etc. Identify by name and race of requestor, type of service requested, and date of request) _____

Number of requests for services approved (identify by name and race of requestor, type of service provided and date proved) _____

Number of requests for services denied (identify by name and race of requestor, type of service requested, date denied, and reason for denial) _____

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

Maintenance

Quarter _____

Title VI Complaints received and nature of complaint(s) _____

LEP

Describe contact(s) with limited English Proficient (LEP) persons (i.e., discussed relocation assistance with Hispanic person, provided appraisal information to Chinese-speaking property owner) _____

Number of procurement contracts approved _____ awarded _____ Dollar amount _____

Race and sex of contractor _____

Number of requests for services received (i.e., request for handicap ramp, etc. Identify by name and race of requestor, type of service requested, and date of request) _____

Number of requests for services approved (identify by name and race of requestor, type of service provided and date proved) _____

Number of requests for services denied (identify by name and race of requestor, type of service requested, date denied, and reason for denial) _____

Name of Title VI Designee

Signature

Date

Reviewer

Signature

Date

Appendix C

Summary of Title VI Annual Compliance Reviews

Summary of 2008 Title VI Review Findings

Program Area/District	Findings	Recommendation
Headquarters Construction	<p>SCDOT does not have written procedures for establishing specific project goals.</p> <p>All contracts, subcontracts, and material supply agreements do not contain required Title VI assurances.</p>	<p>The Title VI designee should coordinate with Offices of Preconstruction, Legal, and Business Development and Special Programs to develop written procedures for establishing contract DBE goals.</p> <p>Develop a process for ensuring that <u>all</u> contracts, subcontracts, and material supply agreements contain required Title VI Assurances.</p>
Traffic Engineering	<p>Assurances and provisions are included on research and consultant contracts. However, sub-consultant contracts not involving DBE's are not reviewed for Title VI compliance.</p> <p>SCDOT does not have written procedures for establishing specific project goals.</p>	<p>The Title VI designee should coordinate with the Office of Contract Administration, consultants, and contractors to review documents and ensure all sub-consulting agreement and subcontracts contain the appropriate assurances and provisions.</p> <p>The Title VI designee should coordinate with Offices of Preconstruction, Legal, and Business Development and Special Programs to develop written procedures for establishing contract DBE goals.</p> <p>The Title VI designee should collaborate with Title VI Coordinator to schedule training.</p>
Office of Human Resources	None	<p>Staff should be aware of Title VI complaint processing procedures.</p> <p>The Title VI designee should collaborate with the Title VI Coordinator to schedule training.</p>
Division of Mass Transit	None	The Title VI designee should collaborate with the Title VI Coordinator to schedule training
Maintenance	None	None
Planning &	None	None

Environmental Management		
Office of Materials & Research	None	None
Right of Way	None	Staff should be aware of Title VI complaint processing procedures. The Title VI designee should collaborate with the Title VI Coordinator to schedule training.
Districts	None	Districts 5 and 6 should create an opportunity for the Title VI Coordinator to provide key district personnel with an overview of Title VI and

Appendix D
Title VI Assessment for Sub-recipients

South Carolina Department of Transportation Title VI Compliance Assessment

Date: _____

Initial _____ Annual _____

I. Agency Information:

_____ Administrative Head _____ Title

Grant Recipient: _____

Project Name: _____ Amount: _____

Address: _____

City/State: _____ County/Zip Code: _____

Phone/Fax: _____ Email: _____

Please list the Program(s) or Service receiving financial assistance from the South Carolina Department of Transportation and the amounts received for the current year.

<u>Anticipated Program/Service</u>	<u>Dollar Amount</u>	<u>Recurring</u>
_____	_____	Yes ____ No ____
_____	_____	Yes ____ No ____

Service area population:

	Number	%		Number	%
Female			Male		
White			Black or African American		
American Indian/ Alaska Native			Native Hawaiian/ other Pacific Islander		
Asian			Hispanic		
Other					

Does your organization have a Limited English Proficiency (LEP) plan? Yes ____ No ____
(If "yes" provide documentation)

How does the agency ensure persons with LEP access to services?

Does your agency have a staff person designated as the Title VI Coordinator?
If yes, provide name:

_____	_____
Title VI Coordinator	Title

Title VI Coordinator's Address: _____

City: _____ County: _____

Phone: _____ Email: _____

Does the Title VI Coordinator have the easy access to the top level official?

Yes___ No___

Please attach your agency's organizational chart

Has the Title VI Coordinator attended a SCDOT or FHWA Civil Rights training session?

Yes___ No___

If yes, provide date: _____

Does your agency have Title VI Assurances/ Coordination Plan? Yes___ No___
If "yes" provide information

or

Has the agency adopted SCDOT's Title VI compliance procedures? Yes___ No___

If "yes" provide a written statement on the agency's letterhead formally adopting
SCDOT's
Title VI compliance procedures.

II. Non-Discrimination Information

Are all physical areas (i.e., rest rooms, waiting area, etc.) provided without regards to race, color, ethnicity or national origin?

Yes____ No____

Are all posters regarding Title VI visible and accessible to staff and service beneficiaries? Yes____ No____

Do the posters show the name of the Title VI Coordinator to whom complaints should be referred? Yes____ No____

Is Title VI information disseminated to your employees, clients and constituents?

Yes____ No____

If "yes" explain below:

Has Title VI training been conducted for new/current employees?

Yes____ No____

List Dates:

Facilitator:

Explain procedures for ensuring new employees are familiar with Title VI Requirements.

III. Transportation-related boards or commissions

List transportation related **appointed** boards, commissions, or advisory bodies:

What is the structure of the transportation-related board or commission?

Female		Male	
White		Black or African American	
American Indian/ Alaska Native		Native Hawaiian/ other Pacific Islander	
Asian		Hispanic	
Other			

Describe the recruitment and selection process (Attach by-laws).

What steps are taken to ensure diversity (females and minorities) of transportation related boards and commissions?

IV. Procurement of Contracts

Describe methods used to solicit minority, female, and certified disadvantaged businesses?

Are contractors /awardees clearly aware of the commitment to Title VI compliance?

Yes _____ No _____

How are consultants/contractors monitored for Title VI compliance?

Indicate the number of bids/proposals submitted by DBEs, minorities, and female businesses for each transportation-related federally funded contract awarded.

Program/Service _____

Ownership	Dollar Amount	Ownership	Dollar Amount
Caucasian		African American	
American Indian/ Alaskan Native		Native Hawaiian/ Other Pacific Islander	
Asian		Hispanic	
Female Owned Companies		Certified DBEs	

Other (non-transportation related) contracts awarded:

Program/Service _____

Ownership	Dollar Amount	Ownership	Dollar Amount
Caucasian		African American	
American Indian/ Alaskan Native		Native Hawaiian/ Other Pacific Islander	
Asian		Hispanic	
Female Owned Companies		Certified DBEs	

Do contracts contain non-discrimination assurance language?

Yes _____ No _____

If "yes" provide documentation

V. Public Involvement

Provide documentation describing efforts to identify minority communities within your service area:

Provide a description of the methods used to inform low-income and minority communities of planning efforts relating to transportation services and improvements:

Provide a written statement describing how minority, low-income, elderly, and disabled persons are afforded an opportunity to participate in local decision making processes that demonstrates the effectiveness of this participation.

Describe how minority media sources are appropriately included in all notification processes for public meetings or public review of agency documents.

Describe how meeting locations and formats encourage or facilitate participation by minorities and other traditionally under-served populations.

List major transportation projects planned or programmed during the last two years where social, environmental, economic, or demographic adverse impacts were identified?

VI. Complaints

Are customers aware of their rights under Title VI including the right to file a complaint?
Yes___ No___

Provide a copy of complaint procedures, as well as the form used to log and track complaints.

Have there been any complaints of Title VI violations on the basis of race, color, and national origin in your agency during the past three years? Yes___ No___

If so, were the complaints investigated? Yes___ No___

1. If "yes" provide the summary and findings of the investigation, include a copy of the complaint and corrective action taken.
2. If "no" provide a reason for not investigating the complaint.
- 3.

VII. Title VI Assurance

As required by the contractual agreement, _____ will comply with
(Agency)

the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs of the South Carolina Department of Transportation.

DECLARATION OF RESPONDENT: I declare that I have completed this survey to the best of my knowledge and believe it to be true and correct.

Title VI Coordinator

Date

DECLARATION OF ADMINISTRATIVE HEAD: I declare that I have reviewed and approved the information provided in this survey and to the best of my knowledge and believe it is true, correct and complete.

Administrative Head

Date

Procedures for Collecting Statistical Data of Participants in, and Beneficiaries of State Highway Programs

VII. Title VI Assurance

As required by the contractual agreement, _____ will comply with
(Agency)

the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs of the South Carolina Department of Transportation.

DECLARATION OF RESPONDENT: I declare that I have completed this survey to the best of my knowledge and believe it to be true and correct.

Title VI Coordinator

Date

DECLARATION OF ADMINISTRATIVE HEAD: I declare that I have reviewed and approved the information provided in this survey and to the best of my knowledge and believe it is true, correct and complete.

Administrative Head

Date